Contract Purchaser:

Pulte Homes Corporation

Partnership

Petitioner

EIVED FOR

FINDINGS OF FACT AND CONCLUSIONS OF LAW

.

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance for that residential subdivision known as Maple Woods in the Catonsville section of Baltimore County. The Petitioner seeks relief from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.7 of the Comprehensive Manual Development Policy (C.M.D.P.) to allow contiguous private yard space area of 460 ft., in lieu of the required 500 sq.ft., for all proposed lots. The relief requested is more particularly shown on Petitioner's Exhibit No. 1, the plan to accompany the Petition for Zoning Variance.

Appearing at the public hearing held for this case was Jim Dean on behalf of Pulte Homes Corporation, builder. Also appearing was Dwight Little, an engineer from W. Duvall and Associates, Inc., who prepared the site plan. The Petitioner, Maple Woods Limited Partnership, was represented by Newton A. Williams, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject site is located adjacent to Harlem Lane in the Catonsville area of Baltimore County. The Petitioner proposes developing the property so as to construct 87 townhouse units. The Legal Owner of the property, Maple Woods Limited Partnership, has sold the lots to Pulte Homes Corporation, for construction.

The property was originally a part of a large tract which contained a nursing home. The nursing home remains on site and operational, notwithstanding the proposed development to the rear of the property, as shown on Petitioner's Exhibit No. 1, the site plan.

Testimony and evidence also offered was that the site enjoys an extensive zoning history. The nursing home was originally allowed under a Petition for Special Exception filed in 1961. Later, under case No. 90-103-SPH, the acreage permitted for the special exception use was reduced. Subsequent to the development approval for the proposed subdivision, the Petitioner came in for a zoning hearing last year under case No. 92-473-A. In that case, Deputy Zoning Commissioner, Timothy Kotroco, permitted a number of variances as they pertained to front yard setbacks.

At the hearing before me, Mr. Dean noted that the variances requested in the instant case were overlooked in the prior hearing. He observed that his company (Pulte Homes) will construct two different styles of townhouses at the site. As shown on Petitioner's Exhibit Nos. 2A and 2B, these styles are known as the Carroll model and the Bentley model, respectively. The Carroll model, as noted on the plan, contains an oversized kitchen and creates a larger building envelope. On certain lots, depending on the topography and whether a walk-out basement is offered, construction of the Carroll model would violate Section VB7 of the CMDP, which requires that a private yard space area be a minimum of 500 sq. ft. It is to be particularly noted that the variances requested are for all lots, however, it is doubtful whether they will all be utilized. As noted above, it is only in certain situations when the topography does not permit a walk-out basement and when a potential home buyer selects the Carroll model, will the variance be necessary. As the Petitioner noted, the variances requested are for all lots in order for the builder to maintain flexibility and provide a greater range of options to the public.

Lastly, both Mr. Dean and Mr. Little testified that a granting of the proposed variance would not be detrimental to either the potential townhouse owners or other property owners in the subject locale.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3 day of June, 1993 that a variance from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.7 of the Comprehensive Manual Development Policy (C.M.D.P.) to allow contiguous private yard space area of 460 ft., in lieu of the required 500 sq.ft., for all proposed lots, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> LAMRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES/mm

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

June 2, 1993

Newton A. Williams, Esquire Nolan, Plumhoff and Williams Suite 700, Court Towers 210 W. Pennsylvania Avenue Towson, Maryland 21204

> RE: Case No. 93-359-A Petition for Zoning Variance Legal Owner: Maple Woods Ltd. Partnership Contract Purchase/Lessee: Pulte Homes Corp.

Dear Mr. Williams:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Zoning Commissioner

cc: Mr. Dwight Little, W. Duvall and Assoc., Inc.

cc: Mr. Ronald O. Schaftel, Maple Woods Partnership

Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at Maple Woods

which is presently zoned DR 5.5 & DR 16 This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 504 (B.C.Z.K.) V.B.7 (C.M.D.P.) to allow a contiguous private yard space area of 460 square feet

in lieu of the required 500 square feet, on all lots. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

To Be Discussed at hearing

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Varience advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	•
	* Whe do selectely decises and effect, under the penalties of perjury, that thee are the legal contents of the property which is the subject of this Publics.
Contract PurchassyLesson:	Legal Conscipt;
Pulte Homes Corporation	Maple Woods Limited Partnership
	(Type or Phic Hame)
	- Roll O Scholl Partier
1501 S. Edgewood St. Suite K	20.00
Address	RONALD B. Schafte
Baltimore, Maryland 21227	
City State 29 Attempt for Publisher:	Signature Signature
Nolan, Plumboff & Williams	22 W. Allegheny Avenue 821-1160
(Types or Print Hame)	Olo A. Piene Na.
Newton a. Williams Will	ams Towson, Maryland 21204
Bignature	City Outs Zprode Huma, Address and phone number of legal country, content purchaser or representative
Suite 700, Court Towers 210 W. Pennsylvania Avenue 823-7	800
Address Phone No.	W. Duvall & Assoc., Inc Mark A. Krom
Towson, Maryland 21204	
	OFFICE USE CHLY
	ESTIMATED LEMETH OF MEASURE hr:
	Uncovalidate for Heaving
8	All Orners
- 	

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners 93-359-A

April 12, 1993 Description for Zoning Variance Maple Woods ist Election District, Baltimore County, Maryland

BEGINNING for the same at a point on the west side of Harles Lane said point being northerly 100 feet more or less from the centerline intersection of Harlem Lane, 60 foot Right-of-Way and Northdale Road 50 foot Right-of-Way, thence the following thirty six courses and distances viz:

nce tr	ne following thirty six courses and distances viz:
1.	South 85 degrees 08 minutes 52 seconds West 130.08 feet; thence
2.	South 02 degrees 09 minutes 37 seconds West 75.25 feet; thence
3.	South 85 degrees 08 minutes 55 seconds West 118.13 feet; thence
4.	South 04 degrees 43 minutes 19 seconds East 98.55 feet; thence
5.	South 84 degrees 42 minutes 09 seconds West 161.17 feet: thence
6.	South 05 degrees 41 minutes 51 seconds East 250.72 feet; thence
7.	South 68 degrees 08 minutes 29 seconds West 16.70 feet; thence
8.	North 05 degrees 41 minutes 51 seconds West 255.64 feet; thence
9.	South 85 degrees 21 minutes 12 seconds West 174.24 feet: thence
10.	South 04 degrees 03 minutes 34 seconds East 102.40 feet: thence
11.	South 68 degrees 08 minutes 29 seconds West 261.95 feet; thence
12.	North 04 degrees 20 minutes 41 seconds West 53.60 feet; thence
13.	North 04 degrees 43 minutes 41 seconds West 398.27 feet; thence
14.	North 04 degrees 29 minutes 40 seconds West 221.95 feet; thence
15.	North 85 degrees 30 minutes 20 seconds East 18.00 feet; thence
16.	North 04 degrees 28 minutes 40 seconds West 50.00 feet; thence
17.	North 43 degrees 51 minutes 12 seconds East 133.84 feet; thence
18.	North 04 degrees 29 minutes 40 seconds West 170.00 feet; thence
19.	North 78 degrees 43 minutes 19 seconds East 551.99 feet; thence
20.	South 02 degrees 13 minutes 21 seconds West 113.70 feet; thence
21.	North 79 degrees 43 minutes 19 seconds East 5.00 feet; thence
22.	By a curve to the left having a radius of 128.00 feet and an arc
	length of 45.80 feet; thence
23.	North 59 degrees 13 minutes 19 seconds East 107.76 feet; thence
24.	By a curve to the right having a radius of 206.49 feet and an arc
	length of 118.19 feet; thence
25.	South 87 degrees 59 minutes 01 seconds East 9.96 feet; thence
26.	North 47 degrees 00 minutes 59 seconds East 14.14 feet; thence
27.	South 02 degrees 00 minutes 59 seconds West 75.00 feet; thence
28.	North 42 degrees 59 minutes 01 seconds West 14.14 feet; thence
29.	North 87 degrees 59 minutes 01 seconds West 9.96 feet; thence
30.	By a curve to the left having a radius of 220.51 feet and an arc
	length of 126.21 feet; thence
31.	
	South 59 degrees 13 minutes 19 seconds West 70.38 feet; thence By a curve to the right having a radius of 172.00 feet and an arc

530 East Joppa Road/Towson, Maryland 21286/(410) 583-9571

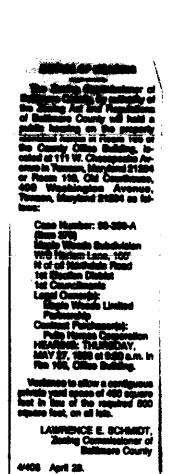
93-359-A

33. South 79 degrees 43 minutes 19 seconds West 14.75 feet; thence 34. South 02 degrees 13 minutes 21 seconds West 273.47 feet; thence 35. South 87 degrees 59 minutes 01 seconds East 270.49 feet; thence 36. South 02 degrees 00 minutes 59 seconds West 221.70 feet to the point of beginning.

CONTAINING 14.0432 acres of land more or less.



District	Date of Posting 5/9/13
Moole Woods timited Porter	while + Poltes Home. Low
Location of property: W/S Horlo- H	To four N/ Northdola Po
Location at Egge Focing 100 de	ex, at expense to lead in to
Romertip:	



CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published

in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on _

Baltimore County Government Office of Zoning Administration and Development Management



(410) 887-3353

May 20, 1993

Newton A. Williams, Esquire Nolan, Plumhoff & Williams Court Towers STE 700 210 W. Pennsylvania Avenue Towson, MD 21204

111 West Chesapeake Avenue Towson, MD 21204

RE: Case No. 93-359-A, Item No. 370 Petitioner: Maple Woods Limited Partnership Petition for Variance

Dear Mr. Williams:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on April 15, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

3/15/43 Owner: Maple wook Ltd Partnership

Cashier Validation

Item Number: 370 Taken In By: MTK

Location: W/S Harlem Lane, 100 N c/1 Northdule Road (maple words) # 020 - Variance - \$250.00 # 080 - 1 sign - # 35.00

- 1285. OF

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Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

For newspaper advertising:

Case No.: _____ Item No.: 370 Petitioner: Maple books 6th Partnerstone Pulte Homes Corp. LOCATION: Maple woods Subdicision - W/s Horlem Lune, 100 M PLEASE FORWARD ADVERTISING BILL TO:

NAME: Maple Woods Lite Portnership Pulte Humes Corp ADDRESS: 1501 S Edge wood Street, Suite K Balto. mp 21227 PHONE NUMBER:

(Revised 3/29/93)

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chasspeaks Avenue in Tosson, Haryland 21204

Room 118, Old Courthouse, 400 Weshington Avenue, Touson, Maryland 21204 as follows:

CASE NUMBER: 93-359-A (Item 370) Maple Woods Subdivision W/S Harlem Lane, 100' N of c/l Northdale Road 1st Election District - 1st Councilmanic Legal Onwer(s): Maple Woods Limited Partnership Contract Purchsser(s): Pulte Homes Corporation HEARING: THURSDAY, MAY 27, 1993 at 9:30 a.m. in Room 106, Office Building.

Variance to allow a contiguous private yard space of 460 square feet in lieu of the required 500 square feet, on all lots.

Maple Woods Limited Partnership Pulte Homes Corporation Newton A. Williams, Esq. W. Duvall & Assoc., Inc./Mark A. Krosm

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; POR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

.





4-22-93

Re: Baltimore County
Item No.: + 370 (MJK)

Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Ms. Kehring:

Ms. Helene Kehring

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Teletypewriter for Impaired Hearing or Speech more Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: May 4, 1993

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 359, 360, 367, 368, 370, 381 and 382.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

360.ZAC/ZAC1

BATIMORE COUNTY, MARTLAND INTER-OFFICE CORRESPONDENCE

Zoning Advisory Committee April 29, 1993 Captain Jerry Pfeifer Fire Department

Comments for 05/03/93 Meeting

Item 361 No Comments

Item 362 No Comments Item 363 No Comments

No Comments Item 365 No Comments

Item 366 No Comments

It.em 367 No Comments Item 368 No Comments

Item 369 No Comments

Fire Hydrants are required on site. Item 370 State law requires townhouses, where permit is issued after 07/01/92, to be sprinklered.

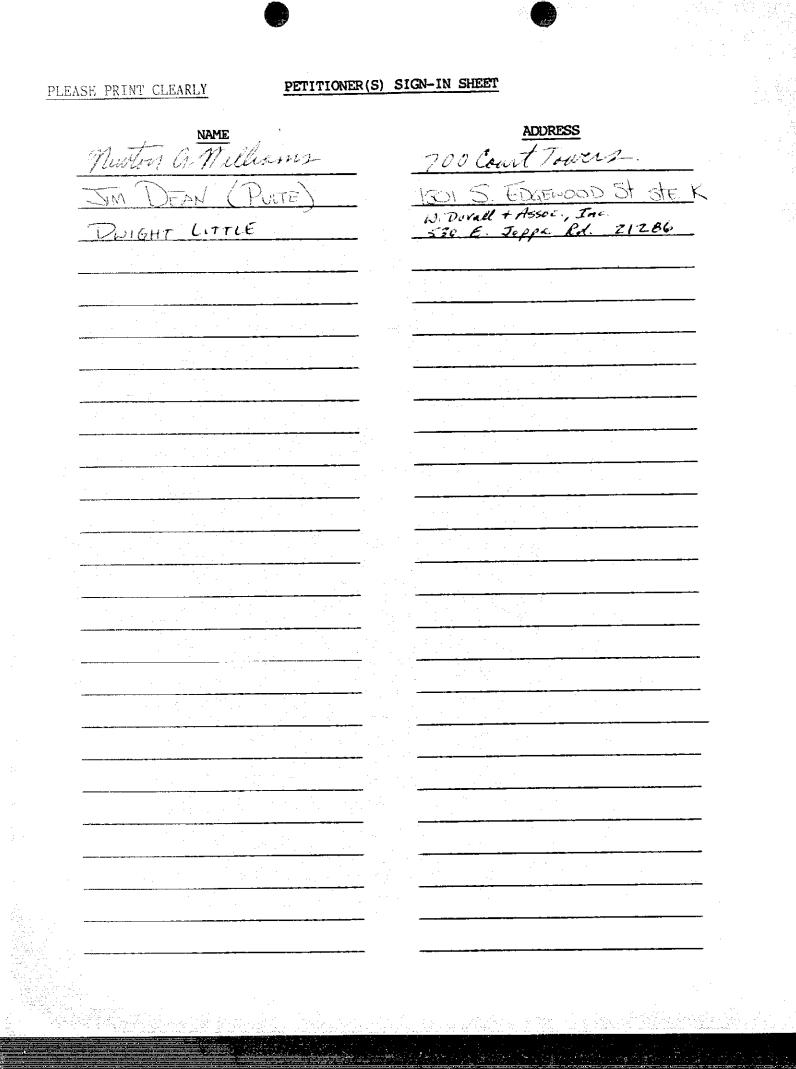
Item 371 No Comments Item 372 No Comments

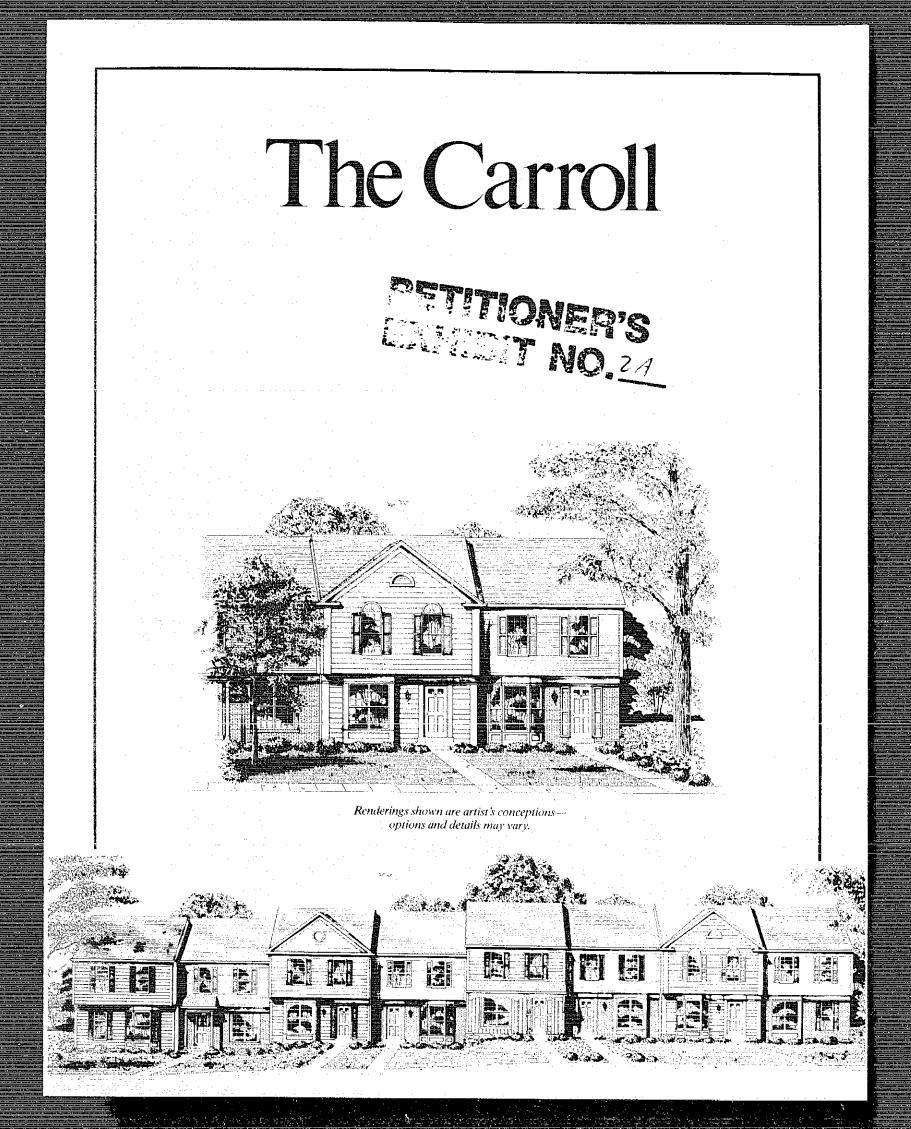
Existing exits shall be maintained to a Item 373 public way.

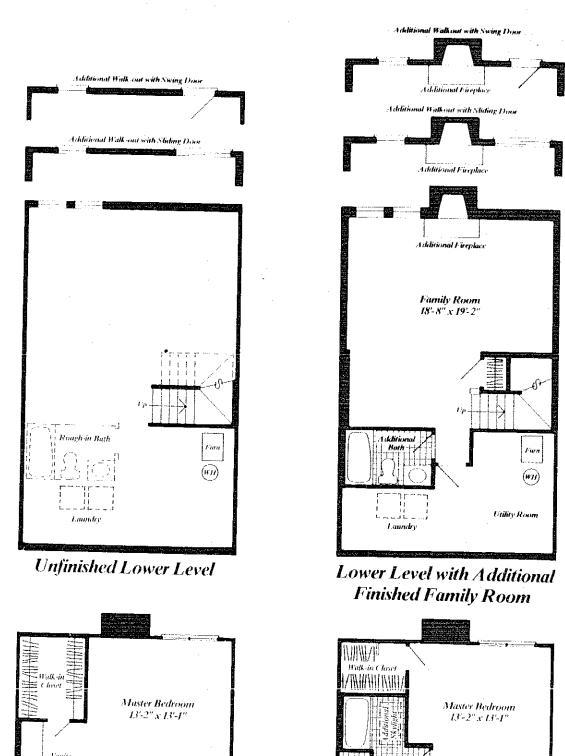


ZADM

CPS-008







Bedroom#3 9'-3" x 12'+0"

Second Floor

